

1 STATE OF NEW YORK : NASSAU COUNTY

2 SUPREME COURT : PART VIII

3 -----X

4 THE PEOPLE OF THE STATE OF NEW YORK,

5 -against- IND# 167N/2005

6 MARK ORLANDO, SENTENCE

7 Defendant.

8 -----X

9 August 18, 2005  
10 Mineola, New York

11 B E F O R E : HON. DAVID P. SULLIVAN,  
12 Acting Supreme Court Justice

13 A P P E A R A N C E S:

14 HON. DENIS DILLON  
Nassau County District Attorney  
15 BY: ROBERT T. HAYDEN, ESQ.,  
Assistant District Attorney  
16 Of counsel, for the People

17  
18 DENNIS LEMKE, ESQ.,  
Attorney for the Defendant  
19 114 Old Country Road  
Mineola, New York 11501  
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23 MARILYN JURGENSEN  
Official Court Reporter

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1 THE CLERK: This is on the Sentencing  
2 Calendar, Indictment 167N of 2005, People of the State  
3 of New York versus Mark Orlando.

4 May we have appearances for the People?

5 MR. HAYDEN: Robert T. Hayden for the People.

6 THE CLERK: Representing Mr. Orlando?

7 MR. LEMKE: For Mr. Orlando, Dennis Lemke,  
8 114 Old Country Road, Mineola, New York.

9 Good morning, your Honor.

10 THE CLERK: Sir, you are Mark Orlando?

11 THE DEFENDANT: Yes.

12 THE CLERK: You appear with your attorney  
13 Mr. Lemke --

14 THE DEFENDANT: Yes.

15 THE CLERK: (Cont.) For sentencing today; is  
16 that correct?

17 THE DEFENDANT: Yes.

18 THE CLERK: Counsel, is your client ready for  
19 sentence?

20 MR. LEMKE: Yes, he is.

21 THE CLERK: Do the People wish to be heard  
22 before sentence is imposed?

23 MR. HAYDEN: Your Honor, before the People  
24 are heard, there are members of the victim's family who  
25 wish to address the Court. Bobby's dad would like to

1 address the Court, his sister Gina, his brother Chris,  
2 his Uncle Joe and his Aunt Ann would all like to  
3 address the Court for sentencing, your Honor.

4 THE COURT: Thank you.

5 And, Mr. Lemke, of course your client has a  
6 right to respond. We will reserve that right until  
7 everything is finished.

8 MR. LEMKE: That's correct, your Honor. We  
9 also have received notice of intention of certain  
10 individuals to speak, so we have notice of that.

11 THE COURT: Who would like to speak first?

12 MR. HAYDEN: May we proceed, your Honor?

13 THE COURT: Yes.

14 MR. LEMKE: Your Honor, if I may, I certainly  
15 don't wish to interrupt. My understanding is that  
16 there has been some display with photographs of  
17 Mr. Calabrese and his life. I would only ask that at  
18 this point on behalf of my client we would object to  
19 those photographs. I have seen them. More so the  
20 wordings that have been used regarding those  
21 photographs.

22 Clearly this Court has a wide range of  
23 sentencing, between 15 to life and 25 to life. I think  
24 at this point having photographs and markings which  
25 were not part of the trial itself, I am certainly going

1 to object to that.

2 THE COURT: Objection overruled.

3 ANN BESS: I would first like to thank Judge  
4 Sullivan for overseeing a just and partial trial,  
5 Mr. Hayden for working so hard to deliver the truth in  
6 a concrete and deliberate way to the jury in this case,  
7 and of course I would like to thank the jury who gave  
8 of their time to serve our judicial system and come to  
9 an intelligent and righteous decision.

10 My name is Ann Bess, I am the aunt and  
11 godmother of Bobby Calabrese. My husband of 21 years  
12 is John. We have three children, John 20, Peter 18,  
13 and Alison 11. Bobby happened to be the first member  
14 of my family that I introduced to my husband 23 years  
15 ago. My husband and Bobby formed a bond from that  
16 moment on and it lasted for all of Bobby's short life.

17 Bobby worked for my husband in the produce  
18 business for many years; they would spend as many as 12  
19 to 15 hours a day together working hard, having long  
20 talks and equally long laughs. Anyone who knows my  
21 husband will tell you he is one of the most generous  
22 and caring people they have ever met. The murder of  
23 Bobby has changed him. The disbelief and horror of  
24 this crime has had a profound effect on his life; he  
25 doesn't talk or laugh much anymore.

1                   My children grew up with their Calabrese  
2                   cousins, they were together five out of seven days a  
3                   week as children. My oldest son John was born with a  
4                   brain tumor, which left him paralyzed on his left side.  
5                   He grew up watching Bobby wrestle. Bobby encouraged  
6                   him to try the sport; he felt it was something that  
7                   John could have success in and it would be a good form  
8                   of physical therapy and bolster his self-esteem. It  
9                   worked. As a result John wrestled for seven years. He  
10                  won the Brian Comb Memorial Award, the highest  
11                  wrestling award in Long Beach High School. Bobby came  
12                  to his matches, cheered him on and gave him his best  
13                  advise.

14                 My youngest son Peter is the proverbial clown  
15                 of the family. He grew up among his cousins doing just  
16                 about anything to get someone to smile or laugh. It  
17                 was never hard to get Bobby to smile back. He seemed  
18                 to appreciate Pete's often odd sense of humor the most.  
19                 I'm sure Pete's fondest memories of Bobby were of the  
20                 family birthday parties or barbecues that he would  
21                 throw together at the last minute. Unfortunately, I  
22                 haven't seen much the lighter side of Pete since  
23                 December 3, 2004.

24                 My daughter Alison is 11 years old. Bobby  
25                 would come in and say hello and joke with her every day

1 during work break with my husband. He would tell her  
2 how he would be in the car right behind her when the  
3 day came for her to have her first boyfriend. That day  
4 of course he would tell her would not happen unless she  
5 was at least 21. Telling Alison what happened to Bobby  
6 was the hardest thing I ever had to do. She'll not  
7 talk about it or ask a question about it since it  
8 happened, she just will not deal with it.

9 As for myself, I cannot put into words what  
10 this has done for me. I just try to go on to be there  
11 for my family, my sister and her family. Everyday  
12 tasks are hard to accomplish. A sense of Bobby's loss  
13 weighs heavily on my mind. As my sister said, when  
14 People were consoling me on the lose of my nephew, the  
15 word "nephew" and "cousin" just didn't cut it in this  
16 family. Without losing one of our own, this loss has  
17 been as bad as losing our own son or brother.

18 Mark Orlando, you cannot take away the  
19 memories of our long talks, encouragement, heartfelt  
20 laughs and visions of Bobby following my daughter on  
21 dates. What you did take away, though, is all the good  
22 times with Bobby that were yet to come. You decided to  
23 play God, to decide the ultimate fate of a fellow human  
24 being. You have plunged our family into a life of  
25 living hell, of endless days and sleepless nights,

1 always trying to come to grips with what has happened.  
2 Although we will never understand why. Today your  
3 judgment day as come.

4 Your Honor, we, as a family, are asking that  
5 you impose the absolute toughest sentence on Mark  
6 Orlando as allowed under the law. It will not bring  
7 back our Bobby, but perhaps we will have some peace,  
8 knowing the creature that planned and carried out the  
9 cold-blooded execution of our are adored one will never  
10 be free to do this again.

11 Thank you.

12 THE COURT: Thank you.

13 Mr. Hayden, who wants to speak next?

14 CHRISTOPHER CALABRESE: Judge Sullivan. Good  
15 morning, Judge Sullivan.

16 THE COURT: Good morning.

17 CHRISTOPHER CALABRESE: It is very hard to  
18 write a letter about Bobby to someone who has never met  
19 him. I write this so, if you read this letter, you  
20 will feel like you knew him.

21 Bobby was my idol and he molded me to the  
22 person I am today. I remember the night that my  
23 brother died. My cousin Bob and I waited for him to  
24 come home; when he didn't come home we figured he must  
25 have went out to see his girlfriend Michelle. I was

1 hesitant to go to sleep, because you see Bobby was not  
2 only by brother and best friend, he was also like  
3 another dad. My brother Nick and myself knew to pick  
4 up the phone whenever he called. Bobby always wanted  
5 to know where we were. Bobby also understood we wanted  
6 to know where he was as well.

7 So the fact that he wasn't answering his cell  
8 phone worried me. I wanted to play down it, tell  
9 myself don't fall asleep because I haven't talked to  
10 him yet. I laid down, and didn't think I would fall  
11 asleep but eventually I did. Three hours later I woke  
12 up to screaming and crying. I ran upstairs as fast as  
13 I could, not knowing what was wrong. Then everything  
14 went in slow motion, like a movie.

15 "Is this your house?" asked the detective. I  
16 walked in, my dad was on the floor holding my mother,  
17 who was screaming. She said kept saying, "God no, God  
18 no." I demanded to know what happened and my dad said,  
19 "Bobby died. Someone shot him."

20 I will never be able to describe to you the  
21 horrible feeling that went through my body. I went  
22 into shock and swore I was having a nightmare. But I  
23 wasn't, it was real. My younger brother's godfather  
24 Vincent, one of the detectives at the house, I asked  
25 Vinny, "Are you sure it's Bobby?" He bowed his head



1 very soft and said, "Yes."

2 I don't even know how I have made it this  
3 far. It has been hell seeing my family, it brings back  
4 December 3rd, the worse night of our lives. The only  
5 reason I'm still here talking is because of my family I  
6 love more than anything. I always prayed that nothing  
7 would ever happen to my family, and I really thought I  
8 had a understanding with God that he would let my  
9 family be. But it wasn't the good Lord who took my  
10 brother from me, it was Mark Orlando, a vicious, evil,  
11 low life.

12 Some people say that you never know what you  
13 have until it's gone, but I know what I had and I loved  
14 him very much and his spirit will always live on.  
15 Bobby was the most respectfully, beautiful kid you  
16 would ever want to meet, and that is what he taught us  
17 to be. For him I will carry on life the way he did;  
18 which was happy and excited.

19 He lived more in 24 years than most will do  
20 in a lifetime. He had more friends than anybody I ever  
21 knew. I stood in the funeral hall when hundreds,  
22 hundreds of people packed Vanella's Funeral Parlor and  
23 St. Mary's Church. There were people in tears I never  
24 knew who said I just met your brother here and there  
25 and said he was very special. I would say if you knew

1 him for five minutes you liked him, if you knew him for  
2 ten minutes you loved him.

3 I will never forget driving to Holy Rood and  
4 the driver saying, "I have been driving for 30 years in  
5 this business and I never seen so many cars follow, I  
6 never seen so many people at a funeral before in my  
7 life. He must have been very special."

8 That's who Bobby was and I was so proud to be  
9 his brother.

10 Judge Sullivan, thanks. One last thing. Put  
11 this guy away so he can never have a chance to destroy  
12 a family again. Thank you.

13 GINA CALABRESE: Good morning, your Honor,  
14 all present in court today.

15 My name is Gina Calabrese, I am exactly 15  
16 months to the day older than my deceased brother Bobby,  
17 I was born January 28th and he was born April 28th. It  
18 was during our childhood that we developed such a  
19 wonderful, inseparable bond. Even to the day, December  
20 3rd, we would sometimes talk about our favorite  
21 childhood memories. Because we were childhood best  
22 friends and everyone knew it. Now I have to hold onto  
23 these memories all by myself, because I can't talk  
24 about it with Bobby anymore.

25 Now I have a hole in my heart and in my

1 memories, the special times we shared with our boxer  
2 when early in the morning we used to sneak out of our  
3 room and into the kitchen just to feed him Ritz  
4 Crackers. Or the times we used to swing for hours in  
5 the swing set in the backyard. I remember when we used  
6 to chase fireflies to put them in the jar to make them  
7 glow. I remember the years on Christmas when he would  
8 run into my room and quietly whisper, "Gina, Santa  
9 came. Get up." And we would sit under the tree until  
10 mom and dad got up and picked out who had more presents  
11 than who and most importantly what was in the big box.

12 I will never be able to watch those childhood  
13 videos to see the only person living today is me,  
14 because there were two of us not one.

15 Chris, Nick born later in years. And when my  
16 mother gave birth to a third boy it was only a matter  
17 of time before my father started calling them the Three  
18 Stooges. They were proud to be called the Three  
19 Stooges. But more than that nickname, they became each  
20 others best friend after time had passed and they were  
21 all grown up. Not only were they Three Stooges by  
22 nickname, but they are young men who would do anything  
23 for each other. They would talk to each other about  
24 their problems, about life, about everything.

25 Bobby, of course, had the advantage of being

1 the head of the Three Stooges, because, well, he was  
2 older than Chris and Nick. They went out places  
3 together, they talked on the phone with each other  
4 every single day. Oh, and if someone was going to stay  
5 out late that night, they would have to report to each  
6 other to let each other know that they were all right.

7 Brotherly love is a beautiful bond which  
8 cannot be broken and never will be broken, because you  
9 can't break a loving brotherly bond. Which they  
10 clearly had. And I am so happy that they had that  
11 bond. But at the same time these three boys, my  
12 brothers Bobby, Chris and Nick, will never be able to  
13 be called the Three Stooges, because there were three  
14 not two.

15 My parents Robert and Cathy are the ones I  
16 feel for the most. They raised a great kid that they  
17 adored and loved and are so proud of him. Bobby was  
18 very friendly, outgoing, smart and handsome. He played  
19 athletics, such as basketball, football and baseball.  
20 He excelled at each sport that he used to do, then he  
21 went on to wrestle in high school only to become a  
22 state wrestling champion that would make any parent  
23 proud of their son to win an accomplishment like that.

24 My father clearly enjoyed these moments and  
25 quite often he would videotape the games and matches.

1 They will never be able to watch those videotapes,  
2 those special moments in their lives without crying  
3 because Bobby was living.

4 My parents were also very proud of Bobby's  
5 gentle side. He would pick up a bird in the middle of  
6 the street and save its life. He would always save  
7 stray dogs. In fact, there was a homeless dog living  
8 across the street from his house in Long Beach, it was  
9 a white boxer. Bobby remembered my husband Anthony  
10 always wanted a boxer and he convinced me to take it.

11 Well, guess what? We have that boxer now and  
12 he has brought us a lot of happiness. And we have  
13 Bobby to thank for that.

14 Not only did he save countless birds and  
15 dogs, the kid would never even kill a fly in the house.  
16 He would simply put a cup over the fly and let it out  
17 to be free.

18 Bobby did not even believe in killing a  
19 little bug. Bobby also saved a choking kid's life,  
20 when he was at his friend Paul's house. Bobby saved a  
21 young human life without thinking twice about it. He  
22 performed CPR. The parents were so grateful they kept  
23 thanking him and thanking him. Unbelievable and so  
24 ironic that he saved insects, dogs and even a human  
25 life, but yet his life was taken.

1                   My parents are tough people who have climbed  
2                   many obstacles, but none will be higher than this one.  
3                   Since Bobby's death my world has been turned completely  
4                   upside down. I was a friendly, outgoing carefree,  
5                   fun-filled person who enjoyed life. I was very social  
6                   person. Every weekend I would be out with my husband  
7                   and friends or family, at my pool, dancing or even  
8                   going out to dinner. You name it, I was there to enjoy  
9                   the fun. Now I am an empty shell. A hermit. I rarely  
10                  ever talk to any of my friends, let alone see them.

11                  I have become an introvert. I stay in my  
12                  apartment alone with my dog. It's a struggle every  
13                  morning to wake up and get out of bed. I am depressed  
14                  and full of anxiety. I cry at a lot when my husband is  
15                  at work, because I am constantly replaying the incident  
16                  in my own head driving myself crazy. There are about  
17                  six blown-up pictures I have of Bobby in my little  
18                  apartment. They are constant reminders for me of what  
19                  a special little brother I had who was so brutally  
20                  murdered by a vicious dog without a conscience.

21                  I have recurring nightmares about that night,  
22                  December 3rd. Most nights I go to bed and I just pray  
23                  that he did not hear that trigger go off, that he did  
24                  not know that he was going to die. I beat myself up  
25                  that maybe, just maybe if I had invited him over for

1 dinner to my apartment to eat that night it wouldn't  
2 have happened. I cannot stop obsessing over the fact  
3 that he is my little brother, I was older than him, I  
4 should go before he does.

5 I have rage in me that is difficult to  
6 control. I have to go to the gym almost every day and  
7 punch a big fat lifeless bag that remains me of you,  
8 Mark. I hate seeing parents with their four children,  
9 because it makes me cry. I cannot watch movies that  
10 have guns in it, because I have constant flashbacks of  
11 how it might have been done that night. I often  
12 picture my brother lying there helplessly, and I want  
13 to know were his eyes open or closed, was his face  
14 angry or peaceful. I obsess over the fact that if a  
15 weapon had not been used, which it so cowardly was,  
16 Bobby would have taken down even a man of your size  
17 with his quickness and knowledge of wrestling.

18 Because of all of these horrible feelings I  
19 am being treated in therapy once, sometimes twice a  
20 week. The psychotherapist has prescribed for me three  
21 medications just to function each day, antidepressants,  
22 antianxiety pills and sleeping pills. So I am pretty  
23 much sedated throughout much like a zombie. I have  
24 diagnosed depression and post-traumatic stress  
25 disorder. I never new that I would have to live like

1       this, but it's impossible to live life when your little  
2       brother is just murdered.

3               On top of these diagnoses, I constantly worry  
4       about my mother, father and two surviving brothers. I  
5       make sure each day I talk to them, I say I love you.

6               But you know what? I consider myself pretty  
7       lucky because I live in Queens with my husband. My  
8       parents and brothers still have to live in the house  
9       where we all grew up with Bobby there every day talking  
10      to them and walking around the house making everyone  
11      laugh. His car would pull up to the house every day  
12      and the door would fly open and there was Bobby in the  
13      family living room. Many times he would walk in and  
14      say, "Mom.. What's up?"

15              Chris and Nick, he always wanted to make sure  
16      that his brothers were okay. He would eat dinner at  
17      the house each night, he was always in their company.  
18      And in a way I wish I could have been around for all  
19      those moments to share with Bobby. Bobby lived in the  
20      Calabrese living room with his stand comedy and his  
21      impersonations. He would wrestle with Chris and Nick  
22      and always beat them. But more than, that it's that  
23      same living room floor that they would wrestle on that  
24      Chris and Nick have to look at every single day. It's  
25      the front door to their house that my mother and father



1 still turn to look, hoping to it is Bobby. But no,  
2 it's not.

3 The emotional effect of Bobby never coming  
4 back to that home is too hard to describe in words.  
5 When me, Chris and Nick are standing around talking,  
6 there is that underlying anger and silence. Like, hey,  
7 there should be one more here. Family pictures aren't  
8 family pictures anymore, they are pictures of the  
9 survivors of a murder victim.

10 My mother is also on all sorts of  
11 antidepressants, tranquilizers and sleeping pills. And  
12 even with all this medicine to help her she still has  
13 no life left in her eyes. She cries a lot and wishes  
14 she could have taken his place. She prayed over and  
15 over that she wishes it was her and not Bobby. She has  
16 such guilt feelings about this it destroys her every  
17 single day. She has such hurt in her it's unbearable.

18 My father is also heavily medicated to  
19 struggle through each miserable day. The lifelessness  
20 in his eyes is one I have never seen before. He cries  
21 and misses Bobby so much that it hurts him. The kid is  
22 his first born son named Robert Jr. after him, Robert  
23 Sr. He is crying like I have never seen him cry  
24 before. In fact, he was hurting so much that he had to  
25 be rushed to the hospital to be treated for a panic

1 attack the night before Bobby's funeral. Not to  
2 mention he has a heart condition already.

3 My brother Christopher, who is the middle  
4 child, is also very depressed and has outbursts of  
5 anger. He cries when he thinks about his brother being  
6 murdered so viciously. He suffered from a panic attack  
7 as well, where the ambulance had to come and give him  
8 oxygen and pills to relax him. He was so overcome with  
9 this disgrace that he needed to be treated.

10 My brother Nicky, who is the youngest  
11 brother, is just miserable. His sleeping patterns are  
12 off, he has become withdrawn as well. He does see his  
13 friends occasionally, but does spends the majority of  
14 his time in his room listening to music. More  
15 importantly he tries to be Bobby; he dresses like  
16 Bobby, he talks like Bobby and he acts like Bobby,  
17 which really our family doesn't even recognize Nick  
18 being Nick.

19 When I spoke to the psychologist about this  
20 change of personality, she told me that it's dangerous.  
21 He is putting pressure on himself to be like that so he  
22 can try to fill the void that we so greatly misses. He  
23 cries at times, but doesn't want anyone to know that he  
24 is crying. He feels lost in this world. Now he is not  
25 Nicky, but is he Bobby. We miss Bobby, but we also

1 miss Nicky. We are very concerned for Nick's  
2 well-being and his ability to identify who he really  
3 is.

4 With no thanks to you, Mark Orlando, you  
5 changed my little brother to a clone of his deceased  
6 brother Bobby, and we don't know if we will ever see  
7 Nick again. At lot of pressure for a 19-year-old.

8 As you see so far, from what I have said,  
9 this low life has taken the heart and sole out of our  
10 family. He murdered not one, but five of us. We are  
11 such a close-knit family and he injured us not only  
12 mentally, emotionally and physically beyond belief, but  
13 financially as well. My husband and I were going to  
14 move to South Carolina in December. The houses there  
15 are half the amount that they are here. We found a  
16 house in the low 200's, which is affordable for a  
17 school teacher combined. We were looking forward to  
18 not having to struggle every day for the payment. Now  
19 we purchased a house in Long Island which happens to be  
20 double the amount. Now we are going to have to  
21 struggle each and every day using pennies to get by.

22 And you want to know why we would do this if  
23 we can't afford it? Well, here is your answer. I need  
24 to be close to my family at all times now. I worry  
25 about them constantly, as they worry about me

1           constantly. Even Queens right now is too far away.  
2           But no thanks to you, Mark Orlando, this is what we  
3           have to do. You put us in a financial burden where we  
4           will live very uncomfortably for years to come. Not  
5           only did you burden us financially, but you injured my  
6           parents so much that they had to take over Bobby's \$600  
7           Infinity payments and his insurance. The apartment he  
8           was renting downstairs in Long Beach went unrented for  
9           six months. They struggle with their bills as it is  
10          now and they have to worry about the car payments,  
11          insurance and the rent, which totals about \$5,000.

12                       If someone dare ask the question, why don't  
13          they just get rid of the Infinity, the answer is no  
14          way, because that is the last place Bobby was before he  
15          was so brutally murdered by a dirtbag. It's not for  
16          sentimental reasons. My mother and father love to sit  
17          in the car because it's the smell of Bobby's lingering  
18          cologne and the same seat he sat in moments before he  
19          encountered you, Mark Orlando. So no thanks to you,  
20          Mark, that car will be staying and continue to be a  
21          financial hardship on my parents.

22                       Mark Orlando, I quiver, quiver when I hear  
23          your name. When I think of you I think of the excuses  
24          of the world. And that is what you are. You are the  
25          follower of the devil itself. I cannot believe, in a

1 way, you had the audacity to kill my parent's baby's  
2 life. He has touched so many, as you see in this  
3 courtroom today and at the trial.

4 In fact just for the record -- my brother  
5 said this earlier -- this kid was such a nice kid that  
6 when we were on our way to the cemetery our limo  
7 driver said, and I would like to quote, "I have been a  
8 driver for over 30 years and I have never seen so many  
9 cars for one individual."

10 Bobby had broken a record for the amounts of  
11 funeral procession cars. There were literally streets  
12 closed off and police escorts along the way to take him  
13 to the cemetery. And I tell you this because I want  
14 you to realize he has and still has a ton of family,  
15 friends, co-workers -- family, friends, girlfriend and  
16 many other people who adored and supported him.

17 That was my brother Bobby. And I'm sure he  
18 was happy about that, because he had pride. Well, now  
19 his survivors are his pride and he as our support.

20 And I would like to take a quote from the  
21 song entitled, "Pride in the Name of Love," by U-2.  
22 Bono sings, "One man walked on an empty beach, one man  
23 betrayed with a kiss." You could take his life, but  
24 you could not take his pride. When I hear that line I  
25 change it to match what you did, Mark Orlando, "One man

1 shot on an empty lot, one man betrayed with a hug."  
2 You can take his life but you cannot take his pride.

3 One last thing I want to say to you, Mark  
4 Orlando. It angers me to have to look at you. You are  
5 nothing but a worthless piece of junk in my eyes and  
6 everyone's eyes. But what really makes me feel like  
7 vomiting is the fact that you were the last person to  
8 give my brother a hug, and you were there to betray and  
9 murder him. And I hope one day you realize what you  
10 have done. No, I don't even think you care. But you  
11 know what? God is real. And you know what? You have  
12 to answer to him.

13 I know for a fact that Bobby is in heaven  
14 right now with God, but who knows where you will end  
15 up. Quite frankly none of us care. I hope you suffer  
16 the worse out of anyone in that jail. I wish you the  
17 most miserable, horrible, lonely life. I hope you get  
18 no respect in jail, no friends except for the friends  
19 who want to use you for one thing, and you know what  
20 that is. And even all of your suffering will not  
21 compare to what my family is going through now and the  
22 rest of our lies.

23 Your Honor, I am begging you to please  
24 sentence Mark Orlando to the maximum possible sentence;  
25 seeing how it was so easy for him to take a life, I

1 would love to see him behind bars for life.

2 Thank you.

3 THE COURT: Thank you.

4 ROBERT CALABRESE: Your Honor, I'm going to  
5 read this for my son, who could not attend.

6 THE COURT: Yes, sir.

7 ROBERT CALABRESE, SR: "Dear Judge, whoever  
8 else is listening. Words can't really express how I  
9 feel about this."

10 This is Nick Calabrese, the younger brother  
11 of Bobby Calabrese.

12 "I am not sure what to say, except that I  
13 have always been a strong person and now I have never  
14 been so weak in my life. When it first happened I  
15 tried to stay strong for my family and myself, now I  
16 feel like it's going to be impossible.

17 "All my life I wanted to be just like my  
18 older brother Bobby. He was the best person in the  
19 world and best brother anyone could ask for. My  
20 brother always tried to steer me in the right direction  
21 and he did a really good job. He has set a good  
22 example for me and plenty of others.

23 "I never thought this would happen in my  
24 family and now my family isn't a family. No one is  
25 happy and for the rest of my life I will never truly be

1 happy again. What these guys did to my brother isn't  
2 right. What about when I have kids, no Uncle Bobby.  
3 Doesn't sound right, isn't right. We were supposed to  
4 grow up and do all our things together.

5 "And I think I have it bad? Look at my  
6 mother, an angel from heaven. I bet now she can't wait  
7 to be in heaven to see her little boy. I see it in her  
8 face and everybody else's face. Nobody cares about  
9 life anymore, because we are all not together. I never  
10 cared about dying, but now I want to die. Life sucks.  
11 It was good, and we were robbed of the most precious  
12 thing we had and it will never be the same. I was a  
13 person that tried to think positive about most things,  
14 not anymore.

15 "If there is one thing I could say to  
16 everybody, it is that these guys who murdered my  
17 brother ruined my life. I am weak emotionally;  
18 unstable, confused, unhappy and altogether messed up in  
19 the head. There were so many people who loved my  
20 brother. He was a beautiful person in all ways. He  
21 would never do anything to hurt anyone or anything.

22 "I feel like I am going out of my mind. I  
23 don't want to go on medication, but I might have to. I  
24 am at the lowest part of my life. For some reason I  
25 don't think it's going to get easier. I mean,



1 everything I am today is because of my brother Bobby  
2 and I thank him for that with all my heart. It is  
3 going to be a long life without him here. All I want  
4 to do is talk to my brother, which is impossible.

5 "When I tell you these guys ruined my life,  
6 they also ruined the life of my family. I don't want  
7 to live anymore, it's too hard without him here. But I  
8 have to try to stay strong for the rest of the family.

9 "God bless Bobby Calabrese, the greatest  
10 human being that ever walked the earth. I love you  
11 Bobby, you are my idol, you are still and always will  
12 be. Your little brother Nick."

13 This is my letter:

14 Good morning, your Honor, Mr. Hayden,  
15 detectives, family and friends. We come before you  
16 today on a mission; the mission is to convince your  
17 Honor that Mark Orlando deserves the maximum allowable  
18 sentence.

19 Mr. Orlando is a coward. Who else but a  
20 coward hires a gunman to kill an unknown person? Who  
21 else but a greedy, evil person wins a large of amount  
22 of money and then, when he loses a portion of it, kills  
23 a person so he does not have to pay? These acts are  
24 not of a normal man, these acts are of someone who is  
25 evil. These actions are of someone who is dangerous,

1 someone who, if given the opportunity, will strike  
2 again and definitely strike another family.

3 Rather than talk about this low life, I would  
4 like talk to you about the person he murdered, my son  
5 Bobby.

6 Bobby was born April 28, 1980. I remember  
7 the night as if it was yesterday. I remember being in  
8 the delivery room trying to be supportive to my wife  
9 Cathy. I remember trying to be calm, when the doctor  
10 announced that the umbilical cord was wrapped around  
11 Bobby's neck. Thank God within minutes my fears were  
12 turned to complete joy as my first son was born. As I  
13 looked at my son I recall thinking, here is my name  
14 sake, my baseball player, my golf partner, my son. He  
15 will grow up to be my best friend; he will grow up to  
16 be someone of importance; he will grow up to be his  
17 brothers' joy, his sister's protector; he will be  
18 better than me. I remember these and other hopes that  
19 I had for my newborn son.

20 As a small child Bobby showed a very strong  
21 sense of family. The older he became the stronger his  
22 love for his family became. This love grew, especially  
23 when his brother Chris and Nicky were born. Bobby was  
24 a natural brother, very protecting, very caring, but  
25 stern when he needed to be. Even though he was a year

1 and a half younger than his sister Gina he quickly  
2 progressed to become her protector as well.

3 Bobby was fast moving, but always saw the big  
4 picture. Although he was not large in stature, Bobby  
5 became protective with kids who had mental or physical  
6 restrictions.. Bobby would watch over them, even if it  
7 was not popular, to the point where bullies would turn  
8 there rath on him. No matter, right was right.

9 Dogs, cats, rabbits always found their way to  
10 our home because Bobby he knew they needed help. He  
11 would not hurt a fly, catching them and releasing them  
12 outside. A trait he would carry to adulthood.

13 Bobby attended Kellenberg High School. While  
14 there he taught Religious Ed at our church. The  
15 classes he taught were not for extra credit, or any  
16 benefit to him whatsoever, the accreditation was  
17 knowing he was trying to steer the younger kids in the  
18 right direction.

19 Bobby was very quick, extremely strong, very  
20 determined; these traits led him to become a State  
21 Champion, All County. I remember when he won the  
22 States, I was so excited, I ran down the stairs and  
23 towards the mats, thinking I would congratulate him  
24 after he finished with his coaches and teammates.  
25 Bobby saw me, and instead of going to his coaches, as

1 expected, he ran toward me and leaped into my arms.

2 You see with Bobby, it was always family first.

3 As fathers and sons do, we could sometimes  
4 argued; schools, cars, curfews. Unlike other  
5 relationships, we loved each other very much. This was  
6 evidenced when he found friends, girlfriend's, whoever,  
7 he would walk up to my wife and me and give us a hug.  
8 Lord God I miss those hugs.

9 At the risk of being redundant, you see, your  
10 Honor, with Bobby it was always family first. Bobby  
11 loved his mother very much and she loved him very much.  
12 My wife Cathy is the nicest person in the world. It  
13 now hurts me to look into her eyes and the eyes of my  
14 children and see the pain, this pain that I could do  
15 nothing about. I never felt this helpless in my life.

16 In conclusion, I hope that I have given you  
17 enough details about my son for you to know what he was  
18 about: Protective of his family and friends, a giver,  
19 well loved, as evidenced by the attendance at the wake  
20 and funeral and as you have witnessed, your Honor, in  
21 these court proceedings. I know the speech was long,  
22 but if you recall, when I reminisced about the day  
23 Bobby was born, those hopes were fulfilled by a person  
24 much better than me: My son Bobby.

25 Mark Orlando took a large part of my family's

1 heart. Let us fulfill our mission, please. Put this  
2 miserable human waste out of society as long as law  
3 allows. I heard testimony with Mark Orlando saying,  
4 you don't understand. Well, Mark, it was you who did  
5 not understand. You did not understand you could not  
6 outwit the Nassau County Homicide Detectives or you  
7 could not outwit the impartial but intelligent jury.  
8 Hopefully, by the will of God and your Honor, you will  
9 understand hard time. You will hopefully have 25 years  
10 to figure it out, that what you did was evil and cruel.  
11 Where you are going there isn't any nice people like  
12 Bobby, there are killers just like yourself.

13 Just remember this: That whatever time you  
14 do, there will be a Calabrese there to fight your  
15 release, so get ready for a real long stay.

16 Thank you, your Honor.

17 THE COURT: Thank you.

18 Mr. Hayden, is there anybody else?

19 CATHY CALABRESE: Good morning, Judge  
20 Sullivan.

21 THE COURT: Good morning.

22 I am the living, grieving, heartbroken,  
23 mother of Robert Calabrese. As far back as I can  
24 remember all I wanted was to be a wife and a mom. I  
25 was very luckily to give birth to four healthy babies.

1 As I raised my children I tried to instill in them how  
2 important family is. My husband did this as well. I  
3 honestly didn't have to drill this isn't to my  
4 children, they were just so always. The older my  
5 children got, the closer they became. Sure there were  
6 many arguments, but they are back to being loving,  
7 loving and close again.

8 It may sound pessimistic, but I always told  
9 my children to watch what they say to each other in  
10 anger and don't carry the anger too long. I told them,  
11 you never know what tomorrow will bring. They listened  
12 to this and I thank God for that. Bobby was taken from  
13 us so violently and suddenly, that I can't imagine  
14 trying to help one of my children if they had bad  
15 words with Bobby before he passed.

16 My mother told me it doesn't matter how  
17 successful your children become, she said, if you raise  
18 kind and loving human beings you fulfilled your  
19 parental responsibility. I took this seriously and I  
20 am proud to say my husband and I did just that. None  
21 of my children were ever cruel or mean to anyone.  
22 Quite the opposite, they always go out of their way to  
23 help those disabled or in need in any way.

24 Bobby was the core in family. Family meant  
25 everything to Bobby. All of us went to him for advice;

1 he always seemed to make things right. My husband and  
2 I knew if there came a time when we would have to leave  
3 one of our children in charge, it would be Bobby.

4 This is only skimming the tiny surface of  
5 what Bobby meant to our family. When he was taken from  
6 us I wanted to go with him, as well as the rest of the  
7 family did. But Bobby would never have wanted us to do  
8 that. He was a totally selfless human being, who  
9 always put everyone in front of himself. He wants us  
10 to stay as close as possible and we are trying our  
11 best.

12 Judge Sullivan, my family has been shattered  
13 to pieces since Bobby's death. We remain close, but  
14 there is a huge hole in the family that no one can ever  
15 replace. I know in my heart and soul Bobby is not here  
16 physically but I keep his shoes by the front door  
17 forever hoping and praying for a miracle. His passing  
18 has ripped my heart, as well as the rest of the family.  
19 I try to hold everyone up, but it is a huge  
20 undertaking. We all need help, but have not yet begun  
21 to heal. I think if Mark Orlando gets the maximum  
22 sentence allowed under the law it might help a little.  
23 Mark Orlando is a devil and my son was an angel. My  
24 family will never be the same, but we will go on for  
25 each other because our love is never ending. I love

1 Bobby, but will still move on.

2 I beg of you, Judge Sullivan, to consider the  
3 maximum sentence allowed by law for Mark Orlando. I  
4 don't care how much he suffers, it will never compare  
5 to the never-ending suffering my family will have  
6 forever. Bobby's at peace with God and we feel his  
7 presence. Watching my children so young so hurt is  
8 heartrending. I know there is nothing I can do for  
9 them. I will, however, always be there for them when  
10 they need me. This is what my dearest loving son Bobby  
11 would want.

12 I am a mom and my heart is broken, whenever  
13 Bobby came in the door his first words were usually,  
14 "Where's mom?" I can still hear it. I thought I would  
15 be there for him a lot longer than 24 years. Thanks to  
16 Mark Orlando I am not there for him, but will be for  
17 the rest of the family. I will recover all my love and  
18 power not to let this evil person ruin another member  
19 of my family. We are all forcing ourselves to move on,  
20 but it will never be life as usual again. I thank God  
21 every day for my family and pray he will help us. This  
22 is by far the worst pain in the world.

23 Thank you, Judge. And God bless you.

24 THE COURT: Anyone else?

25 MR. HAYDEN: No, your Honor.



1 THE CLERK: Anything further from the People?

2 THE COURT: That's the victim impact

3 statement?

4 MR. HAYDEN: Yes, your Honor.

5 I would just ask that the record reflect that

6 the photographs and the board were never shown to the

7 Court.

8 THE COURT: Let the record so reflect.

9 THE CLERK: Does counsel wish to be heard

10 before sentence is imposed?

11 MR. LEMKE: Yes, your Honor.

12 MR. LEMKE: Your Honor, obviously I stand

13 before the Court representing Mr. Orlando. I stand

14 here before this Court after a jury of Nassau County

15 has convicted Mr. Orlando for being involved in the

16 death of Mr. Calabrese.

17 As this Court is aware and as the family is

18 aware, and friends that have been here throughout on

19 behalf of Mr. Calabrese, Mark Orlando denies having

20 anything to do with the death of Mr. Calabrese and he

21 maintained that innocence from the proceeding of jury

22 selection through the trial and through, obviously, the

23 jury's verdict and as we stand here today. However, as

24 his advocate, as his defense counsel, unfortunately I

25 have to address the issue of the jury finding him

1 guilty of murder in the second degree.

2 This Court has the ability to sentence  
3 Mr. Orlando, as we stand here today, to anywhere from  
4 the minimum of 15 years to life to 25 years to life.  
5 And I have sat here now, as I know Mr. Orlando has, and  
6 I have heard and I have listened to the family. And as  
7 they know my heart goes out to the family and to their  
8 friends, as I know Bobby Calabrese was someone very  
9 special. But I am standing here before this Court  
10 where Mr. Orlando has been convicted. It's a trial in  
11 which the family has thanked you for a fair trial, but  
12 I believe there were matters during the trial in which  
13 this Court had to make decisions, render judicial  
14 decisions on either applications made by the prosecutor  
15 in this case, as to either evidence to be admitted, or  
16 as I have asked, to be precluded that I feel that this  
17 Court had made errors on. That is not for me to argue  
18 at this point, that is for a higher court to review and  
19 with appellate counsel. However, I do wish to address  
20 at this point that Mr. Orlando does stand before this  
21 Court having no prior criminal involvement.

22 Mr. Orlando stands before this court 34 years  
23 of age, married and with a very young daughter at home.  
24 Now, I am not going to argue and try to compete with  
25 what I heard from the Calabrese family, because I don't

1 believe that is what we are here to do today. I think  
2 what is of necessity is for this Court to consider what  
3 Mr. Orlando has been convicted of, to consider whether  
4 or not he was involved with this shooting, to consider  
5 -- and I think it's not in dispute -- that Mr. Orlando  
6 did not physically pull the trigger that killed  
7 Mr. Calabrese. But certainly the jury said that he was  
8 there, and that he was present and either aided and  
9 abetted in the death of Mr. Calabrese, I can continue  
10 to dispute that. Mr. Orlando will continue to dispute  
11 that he was involved in that. The jury has spoke  
12 otherwise.

13 But now I think for this Court to impose a  
14 maximum sentence would be injustice, for the reasons  
15 stated not only in the probation report, but for the  
16 arguments that it heard from not only myself but  
17 throughout the trial itself. The main factor is,  
18 obviously, the individual who is yet to be on trial who  
19 caused the death of Mr. Calabrese.

20 I realize that in this county that if you  
21 proceed to trial, and you are convicted of the murder  
22 second, that the likelihood is that judges impose 25 to  
23 life. That is not anything usual, that is something I  
24 discussed with my client prior to proceeding to trial.  
25 But I think there are factors that should go into that

1 sentence, whether it's the minimum of 15 years to life  
2 or somewhere in between.

3 So again, issues that I think are better  
4 reserved for appeal will be reserved for that matter.  
5 But I think this Court does have that discretion, I  
6 think there are compelling circumstances that this  
7 Court can look at and consider and impose the less than  
8 maximum sentence.

9 Thank you.

10 THE COURT: Mr. Hayden, do you want to be  
11 heard for the People?

12 MR. HAYDEN: I just say to the Court that  
13 this was a premeditated, execution murder. After  
14 befriending Bobby, after using Bobby to place his bets,  
15 the defendant turned on Bobby and betrayed him with a  
16 hug. His conduct throughout was cold, emotionless and  
17 heartless and remains so today. There is only one  
18 appropriate sentence here and that is the maximum  
19 sentence of 25 years to life.

20 THE COURT: Mr. Lemke, anything further from  
21 you?

22 MR. LEMKE: From me, no, your Honor. Thank  
23 you.

24 THE CLERK: Mr. Orlando, is there anything  
25 you wish to say before sentence is imposed, sir?

1 THE DEFENDANT: Yes.

2 MR. LEMKE: May he stand up?

3 THE COURT: Yes.

4 THE DEFENDANT: Your Honor, I stand before  
5 you, Mr. Hayden, my defense attorney, I stand before  
6 you today as an innocent man convicted of a most  
7 heinous crime. I would like to direct my comments  
8 directly to you, your Honor.

9 I always believed in the police and the  
10 justice system, until I witnessed your Honor completely  
11 disregard one of the highest and most important  
12 precedents, People versus Burton, William versus the  
13 United States. You are in no way allowed to have any  
14 of my co-defendant's testimony read or allowed in  
15 through a third party. Even though you yourself was a  
16 law secretary during the trial two years ago of People  
17 versus Johnson, where you witnessed a trial judge  
18 commit the same exact error, yet to help the DA and  
19 cement yourself on the bench, you disregarded my Sixth  
20 Amendment right to cross-examine any and all witnesses  
21 against me. You are supposed to uphold the law, not  
22 break it to please the district attorney's office.

23 Your Honor, no matter what you sentence me to  
24 today it will not change the fact that I am innocent.  
25 And I will always maintain my innocence no matter how

1 long I am in jail for. And these charges will be  
2 reversed on appeal.

3 Thank you.

4 THE CLERK: Mr. Orlando, give your attention  
5 to the Court.

6 THE COURT: You will have a long time to look  
7 up the law.

8 I want to commend the Calabrese family and  
9 friends for the dignity and respect they have shown the  
10 Court throughout the proceedings. My condolences, of  
11 course, go out to you for the loss of your son, who  
12 obviously was a tremendous young man. The only thing  
13 this Court can do is give you a morsal of justice,  
14 which it intends to do.

15 Mr. Calabrese, this Court needs no convincing  
16 of what kind of dangerous predator this man is in front  
17 of me.

18 It is ordered and adjudged by this Court that  
19 for the crime of murder in the second degree, a class  
20 A1 felony, a jury verdict finding you guilty under  
21 Indictment 167N of '05, that you, Mark Orlando, are  
22 hereby sentenced to an indeterminate term of  
23 imprisonment, the maximum of such to be life, the  
24 minimum of such sentence to be 25 years. And that you  
25 be committed to the custody of New York State

1 Department of Correctional Services for imprisonment  
2 for the term of said sentence and to be released in  
3 accordance with the law.

4 It is further ordered by this Court that a  
5 mandatory surcharge of \$250, crime victim's assistance  
6 fee of \$20 and \$50 DNA fee are all imposed by civil  
7 judgment.

8 The Court also imposes restitution in the  
9 amount of \$8,717.25 by civil judgment to the different  
10 parties outlined in the restitution documented in the  
11 probation report

12 That concludes the sentence.

13 THE CLERK: Mr. Orlando, you have a right to  
14 appeal from the sentence and these proceedings. If you  
15 wish to appeal you must file your notice of appeal with  
16 the clerk of the court within 30 days. If you cannot  
17 afford a lawyer or minutes of these proceedings you may  
18 make an application to the Appellate Division, which  
19 will, upon being notified that you cannot afford the  
20 same, order that an attorney be appointed and the  
21 minutes provided without any charge to you.

22 Your lawyer is directed by the Court to  
23 advise you in full and to take the necessary steps  
24 indicated by you in this regard.

25 That concludes this proceeding.

1                   Officers, please take charge.

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I hereby certify that the forgoing is a true  
and accurate transcript of my stenographic notes, only  
if an original, and not a photostatic copy, and signed  
by me in ink.

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MARILYN JURGENSEN,  
Official Court Reporter

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